

1 THE HONORABLE JAMES L. ROBART
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 SECURITIES AND EXCHANGE
10 COMMISSION,

11 Plaintiff,

12 v.

13 PATH AMERICA, LLC; PATH AMERICA
14 SNOCO LLC; PATH AMERICA FARMER'S
15 MARKET, LP; PATH AMERICA KINGCO
16 LLC; PATH AMERICA TOWER, LP; PATH
17 TOWER SEATTLE, LP; POTALA TOWER
18 SEATTLE, LLC; and LOBSANG DARGEY,

19 Defendants, and

20 POTALA SHORELINE, LLC and POTALA
21 VILLAGE KIRKLAND, LLC,

22 Relief Defendants

23 No. 2:15-cv-01350-JLR

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**PATH AMERICA TOWER
INVESTORS' REPLY IN SUPPORT OF
MOTIONS TO INTERVENE AND TO
MODIFY PRELIMINARY
INJUNCTION**

Note for Hearing: October 16, 2015

Request for Oral Argument Withdrawn

PATH AMERICA TOWER INVESTORS' REPLY IN
SUPPORT OF MOTIONS TO INTERVENE AND TO
MODIFY PRELIMINARY INJUNCTION

No. 2:15-cv-01350-JLR

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I. INTRODUCTION AND REPLY ARGUMENT

As the Court is aware, the undersigned attorneys represent eleven investors in the Path America Tower Project whose \$500,000 investments remain in the Path America escrow account (the “Path America Tower Investors”).¹ On October 1, 2015, the Path America Tower Investors filed a motion with the Court to intervene as Plaintiffs on a limited basis, accompanied by a motion to modify the Court’s Temporary Restraining Order or Preliminary Injunction, whichever was in effect,² to permit the release of their investment principal from escrow. Dkt. Nos. 56, 57. On October 8, 2015, Defendants filed notices of non-opposition to the Path America Tower Investors’ motions. Dkt. Nos. 69, 70. On October 13, 2015, the SEC filed a response to the Path America Tower Investors’ motions, noting that it also did not oppose the relief requested therein. Dkt. No. 72.

Accordingly, the Path America Tower Investors hereby request that the Court grant their motions, permit them to intervene for the limited purpose of seeking the return of their funds, and issue an Order modifying the asset freeze to permit the return of their funds from escrow. The Path America Tower Investors also hereby withdraw their previous request for oral argument on their motions.

II. CONCLUSION

For the reasons set forth above and in the Path America Tower Investors' moving papers, the Path America Tower Investors respectfully request that the Court grant their motions. Proposed orders granting the relief requested were previously submitted at Dkt. Nos. 56-1 and 57-1.

¹ The Path America Tower Investors are Yingli Sun, Jun Yan, Xifeng Zhu, Jian Zhao, Huannong Wang, Yan Xu, Kwok Wah Chun, Io Hou Wu, Yu Zhen Ye, Caiyan Zhuang, and Xin Cao.

² On October 6, 2015, the Court granted the United States Securities and Exchange Commission’s (“SEC”) Motion for Preliminary Injunction. Dkt. No. 68.

DATED this 14th day of October, 2015.

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*Attorneys for Plaintiff-Intervenors
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CERTIFICATE OF SERVICE

I hereby certify on October 14, 2015, I caused the foregoing document to be electronically filed with the Clerk of the U.S. District Court for the Western District of Washington using the CM/ECF system, which will send notification of such filing to all counsel of record.

DATED this 14th day of October, at Seattle, Washington.

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